

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because Figures 1-3 should be labeled with proper descriptive legends such as Call Module (CM). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Art Unit: 2416

3. Specification is objected to because of the following informalities:

Add a reference to PCT and foreign application priority in the first sentence of the specification.

***Claim Objections***

4. Claims 8-12 and 14 are objected to because of the following informalities:

In claim 8 line 8 recites "the intercepted message" should be changed to ---an intercepted message---.

In claim 8 line 6 recites "the accepted codecs" should be changed to ---an accepted codecs---.

In claim 8 line 10 recites "the modified list of codecs" should be changed to ---a modified list of codecs-----.

In claim 9 line 2 recites "a session" which seems to refer to "a session" in claim 8 line 2. If this is true, it is suggested to change "a session" to ---the session---. Similar problem exists in claim 14 line 3, 6 and 11.

In claim 9 line 8 recites "a database" which seems to refer to "a database" in claim 8 line 12. If this is true, it is suggested to change "a database" to ----the database--.

In claim 9 line 9 recites "a request" which seems to refer to "a request" in claim 8 line 5. If this is true, it is suggested to change "a request" to ---the request---.

In claim 9 line 7 recites "the residual resources" which should be changed to ---a residual resources----.

Art Unit: 2416

In claim 10 line 4 recites “the current session” which should be changed to ---a current session---.

In claim 10 line 11 recites “the carrying capacity” should be changed to ---a carrying capacity----.

In claim 14 lines 9-10 recites “the signaling messages” which has no antecedent basis

Claim 11 is objected to because it is dependent on claim 9 and claim 12 is objected to because it is dependent on claim 8.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 9 and 11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9 lines 5, 7 and 9 recites “the bandwidth resources” which is not clear as to the applicant is referring to actual bandwidth resources or residual bandwidth resources.

Claim 11 is rejected because it is dependent on claim 9.

Art Unit: 2416

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 8, 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable by Shaffer et al. (7023839) in view of Abaye et al. (7260060).

**For claims 8 and 13**, Shaffer et al. disclose a method of access control of a multimedia session (see column 3 lines 22-23) between a terminal A and a terminal B connected to a telecommunication network (see column 2 lines 49-58 and Fig 1 where terminals are taught as 102 A and 102B) wherein, prior to a session set-up, the terminal A transmits to the terminal B a message containing a list of codecs for encoding data to be exchanged during the session to be set up (see column 5 lines 53-56; Figure 4 (406)), and at an end of the session (see column 8 lines 45-48), the terminal A transmits to the terminal B a request to close the session (see column 4 lines 41-45), the method comprising: intercepting the message containing the list of codecs (see column 5 lines 15-18); and reserving the resources and updating a database for using access resources (see column 5 lines 27-28). Shaffer et al. disclose all the subject matter but fails to mention modifying the list of codecs proposed by the intercepted message to take into account actual bandwidth resources available for a link between the terminal A and the terminal B; transmitting, to the terminal B, the message containing the modified list of codecs. However, Abaye et al. from a similar field of endeavor disclose modifying the list of codecs proposed by the intercepted message to take into account actual bandwidth resources available for a link between the terminal A and the terminal B (see column 11 lines 36-44; Figure 4B which shows updating candidate list in 118 and 120 based on resource usage); transmitting, to the terminal B, the message containing the modified list of codecs (column 12 lines 38-43). Thus, it would have been obvious to one ordinary skill in the art at the time of invention was made to include Abaye et al. codec modification scheme into Shaffer et al. call establishment scheme. The method

Art Unit: 2416

can be implemented in a policy server. The motivation of doing this is to manage calls in a network includes determining the available bandwidth.

**For claim 9**, Shaffer et al. disclose in an event that terminal B accepts the request to set up a session (see Figure 6 (606)): setting up the session between the terminal A and the terminal B using the modified codecs (see Figure 4 (414)); calculating residual bandwidth resources according to the bandwidth resources corresponding to the accepted codecs (see Figure 8 (804)); memorizing a value of the residual resources calculated during the calculating in a database for using access resources (see column 5 lines 26-28); filtering media flows according to a request for bandwidth resources (see column 6 lines 16-49); and authorizing the flow transmission between the terminal A and the terminal B according to the bandwidth resources corresponding to the accepted codecs (see column 6 lines 3-15); and in an event of session refusal (see column 8 lines 21-22): transmit transmitting, to the terminal B, the message containing the modified list of codecs (see column 6 lines 6-10, column 6 lines 62-67)ting to the terminal A a message indicating the failure of session set- up (see column 8 lines 17-29); and updating the database according to the bandwidth resources released on the link (see column 5 lines 26-28).

**For claim 11**, Shaffer et al. disclose wherein the transmission of information following the set-up of the session between the terminal A and the terminal B is carried out according to recommended rates accepted by both the terminal A and the terminal B and is compatible with actual transmission capacity of the link between the terminal A and the terminal B (see column 8 lines 33-44; column 5 lines 15-18).

**For claim 12**, Shaffer et al. disclose wherein the telecommunication network is a packet data transfer network (see column 2 line 52), and the message containing the list of codecs exchanged between the terminal A and the terminal B is transmitted via one of signaling protocols SIP or H323 (see column 2 lines 57-58).

12. Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. in view of Abaye et al. as applied to claims 8 and 13 above, and further in view of Manuel et al. (6574323)..

**For claim 10**, Shaffer et al. disclose identifying the current session for which the request to close has been sent (see column 8 line 46); determining the codecs used during the session(see column 3 lines 59-63); calculating values of the residual bandwidth resources according to the resources released on the link between the terminal A and the terminal B by stopping the session (see column 7 lines 14-23; column 4 lines 23-26); and updating the database for using network access resources (see column 5 lines 26-28), with the residual values of the carrying capacity calculated during the previous calculating (see column 5 lines 5-8; column 6 lines 20-23). Shaffer et al. and Abaye et al. disclose all the subject matter but fails to mention intercepting the request to close the session sent by the terminal A; transmitting the request intercepted to the terminal B; blocking the transmission between the terminal A and the terminal B. However, Manuel et al from a similar field of endeavor disclose intercepting the request to close the session sent by the terminal A (see column 2 line 26); transmitting the request intercepted to the terminal B (see column 2 line 26); blocking the transmission

Art Unit: 2416

between the terminal A and the terminal B (see column 9 line 7). Thus, it would have been obvious to one ordinary skill in the art at the time of invention was made to include Manuel et al. call block and call intercept features into Shaffer et al. and Abaye et al. codec scheme. The method can be implemented in the software features. The motivation of doing this is to ensure the calls are properly routed and terminated.

**For claim 14**, Shaffer et al. media flow filtering module configured to filter on a filtering request (see column 3 lines 64-65), received from a call module (see column 4 lines 41-45), media flows relative to a session identified on the link between the terminal A and the entity B (see column 4 lines 41-45), according to rate recommendations indicated in the filtering request (see column 5 line 8), the media flows relative to a session identified on this link (see column 3 lines 20-27); the call module CM configured to extract the codecs proposed in the signaling messages (see column 4 lines 23-26); a session access module configured to generate a new request to set up a session with a list of codecs of which the carrying capacities are compatible with the bandwidth resources available for the link between the terminal A and the terminal B (see column 4 lines 7-14; column 3 lines 5-8); a database containing the value of the bandwidth resources available for the link between the terminal A and the terminal B (see column 5 lines 26-28); and a signalling flow routing module configured to route the signalling flows transmitted between the terminal A and the terminal B to the call module (see column 4 lines 50-51). Shaeffer et al. and Abaye et al. disclose all the subject matter but fails to mention configured to block, on a blocking request received from the call module; the filtering module configured to intercept and to route to the call module signalling flows



Art Unit: 2416

from the terminal A and signalling flows from the terminal B. However, Manuel et al. from a similar field of endeavor disclose configured to block, on a blocking request received from the call module (see column 9 line 7); the filtering module configured to intercept and to route to the call module signalling flows from the terminal A and signalling flows from the terminal B (see column 2 line 26). Thus, it would have been obvious to one ordinary skill in the art at the time of invention was made to include Manuel et al. call block and call intercept features into Shaffer et al. and Abaye et al. codec scheme. The method can be implemented in the software features. The motivation of doing this is to ensure the calls are properly routed or terminated.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bjelland et al. (6856612) and Agarwal et al. (6775253).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD ANWAR whose telephone number is (571)270-5641. The examiner can normally be reached on Monday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ferris W. Derrick can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2416

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MOHAMMAD ANWAR  
Examiner  
Art Unit 2416

/M. A./  
Examiner, Art Unit 2416

/Derrick W Ferris/  
Supervisory Patent Examiner, Art Unit 2416